BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC 20554

In the matter of)	
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Comments on the Notice)	
Of Proposed Rule Making)	
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Schools and Libraries Universal Service)	CC Docket No. 13-184
Support Mechanism)	

My name is Jeff Patterson and I am the Founder and CEO of Gaggle.Net, Inc., which provides K-12 school districts with secure e-mail services, web hosting services and collaboration tools. We have been a provider in good standing under the Universal Service Support Mechanism for Schools and Libraries (the "E-rate program") since 2002. Currently, we have approximately 1,400 school and district partners, which represent collectively over 2.5 million students and educators around the country. We appreciate the opportunity to participate in the E-rate program, which has helped to provide schools and libraries with the broadband infrastructure and communications and collaboration tools necessary for digital learning.

We offer comment on three issues: 1) raising the E-rate's annual funding cap; 2) retaining the eligibility of collaboration tools, web hosting and email services; and 3) allowing for collaboration tools to be purchased under the E-mail category.

I.   **Gaggle Supports Raising the E-Rate's Annual Cap but Urges the Commission Not to Limit Program Support to Bandwidth**

The Commission's Notice asks whether the E-Rate program's annual funding cap should receive a temporary, long term or permanent increase. The Notice mentions further that the Commission "adopted the $2.25 billion cap 16 years ago,"[1] that this figure represented the Commission's "best efforts attempt to

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[1] *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket 13-84, Notice of Proposed Rulemaking (2013) at paras. 172–76 (*Notice*).

estimate what the demand would be for telecommunications and Internet access services by schools and libraries," and "that every funding year applicants have requested more than is available in E-rate support."[2]

Gaggle agrees that current E-Rate support is inadequate to meet current and future applicant needs. For this reason and all of the reasons noted in the Notice itself, we endorse increasing the E-Rate's annual funding cap to at least meet current demand.

However, Gaggle believes that any new funds infused into the program should not just be applied to purchasing more bandwidth. In our experience, schools and libraries also need support for the enhanced tools and interactive learning opportunities, such as secure and safe e-mail, collaboration tools and web hosting services, which bring context to that connectivity. While providing applicants with more megabits per second is an important goal, we fear that additional bandwidth could be wasted if schools and libraries lack access to the communications and collaboration tools that truly add value to that new bandwidth. Therefore, we urge the Commission to continue supporting educationally critical and appropriate tools, like e-mail, web hosting services and collaboration tools, that provide form and structure to the bandwidth that schools and libraries need.

II.   Gaggle Opposes the Elimination of E-Rate Support for Collaboration Tools, E-Mail Services and Web Hosting

Paragraph 97 of the Notice requests comment "on phasing out E-Rate support for services that are not directly related to connectivity… such as electronic mail services (e-mail) service and web hosting as supplemental services."[3]

Gaggle strongly urges the Commission to retain the eligibility of collaboration tools, web hosting services, and e-mail. Real 21st Century learning is based on critical thinking, collaboration and problem solving. E-mail, web hosting services, and collaboration tools, which include blogs, student websites and shared calendars, provide educators and students with tremendous 21st Century learning opportunities on a daily basis. They allow students to receive real-time feedback from teachers on projects and writing assignments; they permit students to communicate and critique each other's work; they enable students to express themselves in safe and supportive environments; they permit educators to use websites and e-mail to reach beyond their schools' four walls to provide students additional digital resources in their homes and they

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[2] *Notice* at para. 174.
[3] *Notice* at para. 97.

inform parents about educational goals and activities. In short, internet-based communication tools lead to the very kind of collaborative learning and growth which every school aspires to foster and which the E-Rate was meant to support.

A. Gaggle Submits that School-Focused Collaboration Tools Possess Real Value for Schools and Merit Continued Support

The Notice suggests that free collaboration tools exist and therefore the E-rate should not be used to discount purchases of commercially sold tools.[4] Gaggle concedes that free collaboration tools are available but submits that those free tools were designed for consumers and business, not education. These free tools are unable to provide schools and school districts with the functionalities that they need.

First, free, business-oriented collaboration tools do not comply with the Children's Internet Protection Act (CIPA), which mandates that E-Rate recipients implement technological protection measures. CIPA requires that schools address the safety and security of minors when using electronic mail, chat rooms and other forms of direct online communication. The free tools available on the web are incapable of providing the level of safety and security that students need and CIPA requires.

Gaggle's suite of collaboration tools is fully compliant with CIPA, thereby removing a major issue off the plates of schools and school districts.

Second, school districts are organized very differently than businesses and the collaboration tools that schools use must account for those differences. For instance, businesses collaboration tools only need to focus on employer-employee relationships and rarely have a reason to open up or shut down online communications and collaboration services between individual employees, groups of employees, or the employer and its employees. School districts have complex organizational structures and user relationships that include multiple school buildings, classes, activity groups and teacher-student relationships. In addition, for privacy and safety reasons, schools often must establish or limit communications between particular users. For example, situations arise where communication between certain students or groups of students should be restricted such as students in different classes, grades or schools or other specific communication flows amongst administrators, educators and students.

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[4] *Id.*

Third, unlike in businesses, where new accounts are often added to systems individually and accounts change infrequently, school collaboration systems must be capable of managing the numerous student and teacher classroom building changes that occur on a daily basis and be geared to the complex structural relationships that exist between students, teachers and administrators. This type of account provisioning is complicated and requires significant technical skills that most schools and school district IT Departments lack. Owning these collaboration tools without the ability to implement and use them properly renders them ineffective.

> *"Early on our district tried using free web tools for blogs and email, but we quickly learned that we needed a real solution that we could implement across all of our schools and classrooms."*
>
> Jon Brent, Executive Director, Deployment and Technical Services, Detroit Public Schools

Schools value collaboration tools that specifically meet their needs and requirements as demonstrated by the fact that so many school districts have become Gaggle customers. If free, consumer-oriented collaboration tools were truly a viable option, one would expect that we would be out of business. Indeed, we think it worth noting that most of our customers fall within the 65% to 75% E-Rate discount eligibility range, meaning that cash-strapped schools value our collaboration tools enough to pay a fair share of the cost.

Finally, we feel compelled to address the Notice's stated aim to eliminate particular services in order to free up funds for bandwidth purchases.[5] As we stated earlier, we believe that bandwidth is valuable but that bandwidth without communications and collaborations tools diminishes the value of increased connection speeds. Moreover, we estimate that purchases of e-mail and web hosting services amount to only about 2% of the fund. Eliminating these services from E-Rate eligibility, therefore, would not provide the Commission with significantly more money to advance its broadband goals. We believe that eliminating collaboration tools' eligibility would penalize schools by taking away support from, and perhaps precluding their ability to continue using, a service that they clearly prize.

B. Gaggle Urges the Commission to Retain E-mail, which Remains a Bedrock Communications and Vital Educational Service, as an Eligible Service Category

Gaggle continues to believe that fostering communication is one of the fundamental principles of the E-Rate program and should remain as such. When the Telecommunications Act of 1996 was passed, e-mail was still in its early phases of implementation. There is no way Congress or President Clinton could have

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[5] *Id*. at para. 90.

known that reliance on e-mail would rival, if not surpass, telephony and regular mail as a dominant communications service for individuals, businesses, and schools and libraries. The Commission's Sixth Report and Order recognized, albeit belatedly, that e-mail is a communication tool, citing it as a "feature…that facilitate[s] the ability to communicate . . . ."[6] We contend that eliminating support for e-mail now would be out of step with the Commission's past actions and would ignore e-mail's continuing importance to America's schools and libraries.

While an older technology compared to text messaging and Twitter, e-mail remains the central communications tool in America's K-12 schools, connecting students, teachers and parents on a daily, if not hourly, basis. Project Tomorrow's Speak Up 2011 student report, which provides results from its annual nationwide survey, found a steadily growing reliance on e-mail by educators:

> "In 2003 we documented how students were effectively using email not only for communications but also as a file storage vehicle for school work documents so that they could have ready access to them whether they were at home or at school. Once teachers gained an appreciation for the potential efficacy of using email for that purpose for their own documents, both personally and professionally, teachers' email use increased significantly. Now, many teachers not only regularly communicate with their students via email, but they also accept homework through email as well as school portals."[7]

Parents also have grown dependent on e-mail as the primary mode for communicating with teachers about virtually any topic. Project Tomorrow found in their Speak Up 2012 educator and parent report that "88% of current parents say they value *personal emails* from the teacher sharing specific information about their child."[8] Further, in an April 2012 article in Communication Education, two professors at Western Kentucky University detailed their findings from a study of parent-teacher communication at the K-12 level, including their finding that parents most frequently chose e-mail to communicate with teachers:

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[6] *School and Libraries Universal Service Support Mechanism; A National Broadband Plan For Our Future*, CC Docket 02-6; GN Docket 09-51, Sixth Report and Order, 25 FCC Rcd 18762,18806, para. 101 (2010).
[7] Project Tomorrow Speak Up, Mapping a Personalized Learning Journey –
 K-12 Students and Parents Connect the Dots with Digital Learning, at 7 (rel. Apr. 2012), *available at* http://www.tomorrow.org/speakup/pdfs/SU11_PersonalizedLearning_Students.pdf (last visited Sept. 16, 2013) (Speak Up 2011 National Findings K-12 Students and Parents).
[8] Project Tomorrow Speak Up, From Chalkboards to Tablets: The Digital Conversion of the K-12 Classroom, at 12 (rel. Apr. 2013), *available at* http://www.tomorrow.org/speakup/pdfs/SU12EducatorsandParents.pdf (last visited Sept. 16, 2013) (Speak Up 2012 National Findings Educators and Parents).

"This was somewhat surprising because topic areas such as classroom behavior and hostile communication between peers are fairly complex, often requiring more delicate communication that may be accomplished more effectively via face-to-face communication…convenience was often an overriding factor in which mode parents selected to communicate with teachers."[9]

Even students, who are usually the earliest technology adopters, continue to use e-mail for schoolwork in rather large numbers. When Project Tomorrow asked middle-school aged students what technology activity would help make them successful in math class, 46% responded: "Being able to text or email my teacher with my questions."[10]

We believe e-mail remains invaluable in the education process and urge the Commission to retain its E-Rate eligibility.

III.   Gaggle Requests that the Commission Consider Allowing Collaboration Tools to Become Part of the E-Mail Category

While collaboration tools currently reside as an eligible service in the web hosting category, we submit that they belong more appropriately in the e-mail category. From our perspective, e-mail is the *original* collaboration tool, allowing for the exchange of ideas and documents in a real-time interface. Its functions, including transporting information, including file attachments, are far more akin to collaboration tools than websites.

Furthermore, we believe that switching collaboration tools to the e-mail category would resolve an unintended consequence of its current categorization: schools that have created and operate their own websites are prohibited under program rules from receiving E-Rate support for collaboration tools if they purchase them from a provider that does not also supply them web hosting services. This rule penalizes the many school and district applicants who choose to host their own web sites on internal servers. This makes no sense to us and is unfair to applicants who are prohibited from buying eligible services. For all of these reasons, we urge the Commission to shift collaboration tools' eligibility into the e-mail category and stop penalizing schools for developing their own websites.

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[9] *Scale to Measure Parent-Teacher Communication at the K-12 Level*, SCIENCE DAILY (Oct. 4, 2012), http://www.sciencedaily.com/releases/2012/10/121004134839.htm.
[10] Speak Up 2011 National Findings K-12 Students and Parents at 12.

IV. Conclusion

Gaggle supports the mission of the E-Rate program: to connect all of America's schools and libraries to the best online resources and to facilitate 21st Century learning through improved communications and collaboration. We strongly support furthering this mission for the next generation by raising the program's annual spending cap to increase school and library bandwidth capacity. However, we urge the Commission not to lose sight of the importance of communication and collaboration tools that provide form and substance to expanded bandwidth and on which schools and libraries rely to enhance learning. We request that the Commission maintain the eligibility for support of collaboration tools, web-hosting services and e-mail and ensure that adequate E-Rate funding remains available for schools and libraries that seek to invest in these services. Finally, we ask the Commission to make collaboration tools eligible under the e-mail category on the grounds that this service bears a strong functional similarity to e-mail and that this change would allow schools to purchase collaboration tools without also having to buy web hosting services from the same provider.

Gaggle appreciates the Commission undertaking this E-Rate reform effort and looks forward to working with the Commission as this proceeding continues.